

Falls Church, Virginia 22041

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File: D2005-135

Date: OCT 28 2005

In re: LEROY ALLEN MARTIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On May 19, 2005, the Supreme Court of California suspended the respondent from the practice of law in that state for a period of 2 years, with an actual suspension of 60 days.

Consequently, on September 12, 2005, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On September 27, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency.

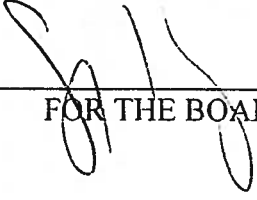
Before we acted on the request of the government for an immediate suspension order, the respondent on October 14, 2005, submitted an "Answer to Petition for Immediate Suspension". He apparently wishes for this to serve as his answer to the allegations contained in the Notice of Intent to Discipline, which was served on September 12, 2005. *See* 8 C.F.R. § 1003.105(c)(1).

In his Answer, the respondent admits that he was suspended from the practice of law in California as charged. The respondent does not request a hearing on the charges, and that opportunity is therefore waived. *See* 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the OGC's charges.

The respondent appears to argue that he should not be sanctioned by the Board because he did not appear before the Immigration Courts, or Board, for 60 days after his suspension from the practice of law in California. The respondent further argues that he has been reinstated to practice law in California.

We find no evidence that the respondent has been reinstated to practice law in California. The respondent refers to a "printout from the State Bar website". Such "printout" was not forwarded to the Board. In any event, the respondent is subject to reciprocal discipline by this Board even if he has been reinstated to practice law in California. *See* 8 C.F.R. § 1003.103(b)(2).

The Notice of Intent to Discipline recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 60 days. The DHS asks that we extend that discipline to practice before it as well. Since the recommendation is appropriate in light of the respondent's suspension from the practice of law in California, we will honor that recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 60 days. The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS. The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. §§ 1003.107(a), (b).



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FOR THE BOARD